

**BAKER BOTTS** LLP

February 22, 2011

**By Hand Delivery**

The Honorable William H. Pauley  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2210  
New York, NY 10007-1312

RECEIVED

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CLERK OF  
WILLIAM H. PAULEY  
U.S.D.J.

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Re: *In re Smith Barney Transfer Agent Litigation*, 05 Civ. 7583 (WHP)

Dear Judge Pauley:

I write on behalf of Defendant Thomas Jones in the above matter concerning the Court's February 17, 2011 Scheduling Order resulting from the February 15, 2011 conference of the parties before the Court.

Defendant Jones respectfully requests that he be relieved from any requirement under the Scheduling Order. With respect to the most immediate deadline in the Scheduling Order, we believe there is no need for the expense of Defendant Jones responding to the Consolidated and Amended Class Action Complaint by March 10, 2011, as required by the February 17 Scheduling Order, because the Court has dismissed all claims against Defendant Jones and counsel for Plaintiffs announced to the Court on the record at the February 15 conference that Plaintiffs do not intend to amend their complaint as to Jones. As the Court noted at the conference, that means that Defendant Jones will be out of the case.

Defendant Jones thus respectfully requests that he be relieved from the March 10, 2011 deadline for responding to the Consolidated and Amended Class Action Complaint. Additionally, immediately after the May 5, 2011 deadline for Plaintiffs to serve and file their amended complaint, Defendant Jones will submit another letter to the Court confirming that Defendant Jones is relieved from any further requirement under the Scheduling Order.

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Lori A. Martin  
Peter K. Vigeland  
Richard J. Morvillo  
Peter H. White

Respectfully submitted,

G. Irvin Terrell

*Application granted.*

SO ORDERED:

*William H. Pauley*  
WILLIAM H. PAULEY U.S.D.J.

*2/28/11*

The Honorable William H. Pauley

Page 2

February 22, 2011

Sandy A. Liebhard  
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